

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCULLOM, <i>et al.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 3:12-CV-02037
BRAD LIVINGSTON, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

**TDCJ DEFENDANTS' ADVISORY TO THE COURT REGARDING TDCJ'S OPPOSED  
MOTION TO EXTEND DEADLINES**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants **TDCJ, Pringle, Clark, Tate, Sanders, and Eason**, by and through the Attorney General of the State of Texas, file this advisory to the Court regarding TDCJ's opposed motion to extend deadlines:

1. This Court entered an amended scheduling order setting deadlines governing the litigation up to trial. (See D.E. 143)
2. The order set May 2, 2014, as a deadline for completion of discovery and dispositive motions.
3. On April 28, 2014, UTMB and TDCJ filed a joint motion to extend the relevant deadlines.<sup>1</sup> (D.E. 159)
4. Defendant Livingston has also filed a motion to extend these deadlines. (D.E. 157)
5. The motion correctly noted that a number of discovery issues, including document production and depositions remain pending. (See D.E. 159)
6. On May 2, 2014, Defendant UTMB filed its motion for summary judgment. (See D.E.

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<sup>1</sup> The motion appears to have been incorrectly docketed as being asserted only on behalf of UTMB. The title and body of the motion however, indicate that it was filed on behalf of both UTMB and TDCJ.

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7. Though UTMB has filed its motion, Defendants TDCJ, Pringle, Clark, Tate, Sanders, and Eason notify the Court that they continue to seek an extension to the dispositive motion deadline and other deadlines as noted in their April 28 motion.
8. The undersigned counsel contends that the need for extension is not due to sloth or neglect, and is not requested for the purpose of delay. Rather, an extension is requested so that the parties may complete discovery, review the cause thoroughly, file a thorough motion for summary judgment, and thereby preserve judicial economy. The undersigned counsel believes that summary judgment is the most effective way to promote efficient judicial administration of this lawsuit at this time.

**WHEREFORE PREMISES CONSIDERED**, Defendants TDCJ, Pringle, Clark, Tate, Sanders, and Eason respectfully request the Court grant their April 28, 2014 Opposed Motion to Extend Deadlines.

Respectfully submitted,

**GREG ABBOTT**  
Attorney General of Texas

**DANIEL T. HODGE**  
First Assistant Attorney General

**DAVID C. MATTAX**  
Deputy Attorney General for Defense Litigation

**KAREN D. MATLOCK**  
Chief, Law Enforcement Defense Division

**BRUCE R. GARCIA**  
Assistant Attorney General  
Attorney-in-charge  
State Bar No. 07631060

/s/ Matthew J. Greer

**MATTHEW J. GREER**

Assistant Attorney General

State Bar No. 24069825

**Attorneys for Defendant TDCJ, Eason, Pringle,  
Sanders, Clark, and Tate**

**NOTICE OF ELECTRONIC FILING**

I, **MATTHEW J. GREER**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing **TDCJ DEFENDANTS' ADVISORY TO THE COURT REGARDING TDCJ'S OPPOSED MOTION TO EXTEND DEADLINES** to the Court, on May 2, 2014, in the Northern District of Texas, Dallas Division.

/s/ Matthew J. Greer

**MATTHEW J. GREER**

Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **MATTHEW J. GREER**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **TDCJ DEFENDANTS' ADVISORY TO THE COURT REGARDING TDCJ'S OPPOSED MOTION TO EXTEND DEADLINES** has been served electronically via *Northern District of TEXAS LIVE - Document Filing System*, to Plaintiffs' Lead Attorney, Jeff Edwards at [jeff@edwards-law.com](mailto:jeff@edwards-law.com), and to all other parties on May 2, 2014.

/s/ Matthew J. Greer

**MATTHEW J. GREER**

Assistant Attorney General